

1995 No. 242

HOUSING

**Housing (Replacement Grant) (Amendment) Regulations
(Northern Ireland) 1995**

Made 6th June 1995

Coming into operation 21st July 1995

The Department of the Environment, in exercise of the powers conferred on it by Article 73 of the Housing (Northern Ireland) Order 1992(a) and every other power enabling it in that behalf, and with the approval of the Department of Finance and Personnel, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Housing (Replacement Grant) (Amendment) Regulations (Northern Ireland) 1995 and shall come into operation on 21st July 1995.

(2) In these regulations—

“the principal regulations” mean the Housing (Replacement Grant) Regulations (Northern Ireland) 1992(b);

“the 1992 Order” means the Housing (Northern Ireland) Order 1992.

Amendment to regulation 5 of the principal regulations

2. In regulation 5 of the principal regulations omit the word “further”.

Amendment to the Schedule to the principal regulations

3.—(1) In the second column of the Schedule to the principal regulations, which modifies Article 42 of the 1992 Order (Interest of the applicant in the property), for the words “For sub-paragraph the property.” substitute—

“For sub-paragraph (a) of paragraph (1) substitute—

“(a) the applicant

- (i) has an owner’s interest in every parcel of land on which the relevant works are to be carried out and he or a member of his family has throughout the period of 2 years immediately prior to the date of application resided in the dwelling; or
- (ii) has either the owner’s interest but does not reside in the dwelling or proposes to acquire such an interest and (in either case) is, in the opinion of the Executive, both in priority housing need (as determined under the housing allocation

(a) S.I. 1992/1725 (N.I. 15): See Article 2(2) for the definition of “the Department”

(b) S.R. 1992 No. 378

policy criteria established by the Executive) and has strong social or economic ties to the local area in which the dwelling is situated.””

(2) After the modification specified in paragraph (1), add the following new paragraph to the second column of the Schedule to the principal regulations—

“After Article 42(1), insert the following paragraph—

“(1A) For the purposes of Article 42(1)(a)(ii) as modified by regulations made under Article 73 (Replacement Grants), an applicant may be deemed to be both in priority housing need and have strong social or economic ties to the local area in which the dwelling is situated where the dwelling has throughout the period of two years immediately prior to the date of application, been occupied by a tenant.””

Sealed with the Official Seal of the Department of the Environment on 6th June 1995.

(L.S.)

C. D. Doake

Assistant Secretary

The Department of Finance and Personnel hereby approves these regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 6th June 1995.

(L.S.)

D. Thomson

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations amend the Housing (Replacement Grant) Regulations (Northern Ireland) 1992 (the principal regulations).

Regulation 2 corrects a drafting error in regulation 5 of the principal regulations.

Regulation 3(1) amends the modification, in the second column of the Schedule to the principal regulations, where it relates to Article 42 of the Housing (Northern Ireland) Order 1992 (Applicant's interest in the property). It substitutes the requirement for the applicant to own the land during the period of 5 years prior to the date of application with a requirement for the applicant to own the land and for him or a member of his family to reside (throughout a period of 2 years immediately prior to the date of application) in the dwelling. It also provides that replacement grant may be paid to a person who owns a dwelling but does not reside in it or proposes to acquire such an interest where, in the opinion of the Executive, he is in priority housing need and has strong social or economic ties to the local area in which the dwelling is situated. Regulation 3(2) provides that in the case of an owner the priority housing need and strong social or economic ties requirements shall be deemed to be fulfilled if a tenant occupied the dwelling throughout the period of 2 years immediately prior to the application.